

National Park Authority Board Meeting

Agenda Item 6



Standards Commission – Written Decision

Paper for decision

1. Purpose

Following the recent Standards Commission hearing in respect of the complaint referenced NPA/LLT/1781 into Owen McKee, the Park Authority was afforded time to consider the panel's decision and this paper sets out the background and asks Members to consider the written decision findings.

2. Recommendations

Board members are asked to approve:

- a) that Board member attendance at the Onboard training is an appropriate action in response to further enhance members' personal responsibility to comply with the Code of Conduct.
- b) Continuing reinforcement of the importance of timely updates to members' Register of Interests and declaring of interests at appropriate meetings/agenda items.

Board members are asked to consider:

- c) any further actions or decisions they would wish to make in response to the Standard Commission written decision in respect of the complaint referenced NPA/LLT/1781 into Owen McKee.

3. Introduction

Section 18 of Ethical Standards in Public Life etc. (Scotland) Act 2000 specifies...

- (1) The members of the Commission conducting a hearing shall state their findings in writing and give a copy to ...
 - (b) the council or the devolved public body;
- (2) A council or devolved public body receiving a copy of findings under subsection (1) above shall consider those findings within three months of receiving them or within such longer period as the Commission may specify in writing.
- (3) The duty imposed on a council or devolved public body by subsection (2) above shall be discharged only by that council or body and not by a committee or sub-committee or an officer.

4. Written Decision

The Written Decision is attached as Appendix 1. Members may have taken the opportunity to review this when it was published on the Standards Commission website in April 2016 <http://www.standardscommissionscotland.org.uk/cases/case-list>.

The substantive findings determined "*that it was the Respondent's personal responsibility to be aware of, and comply with, the provisions in the Code of Conduct. He had failed to do*

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so.” and “whether or not the failure was the result of a lack of judgement, as opposed to a deliberate attempt to conceal information, the Respondent had a responsibility to adhere to the requirements of the Code and should have ensured he complied with those requirements.”

5. Board Actions/Decisions

The Standards Commission specifically requests the Park Authority notify them of any actions or decisions taken as a result of the written decision. A number of proactive actions were implemented in advance of the Standards Commission investigation and decision, namely;

- 5.1. The Park Authority provided refresher training by way of a specific workshop in December 2015. This workshop, facilitated by Onboard training, incorporated information and guidance on Board members’ roles and responsibilities, ethical standards and other issues of accountability and governance. Members who were unable to attend the bespoke training are scheduled to or have attended the equivalent open course training.
- 5.2. Members continue to notify updates to the Register of Interest throughout the year as they arise. In addition, Board members are prompted annually by officers to confirm/refresh their Register of Interest. Whilst this practice cannot substitute for members’ personal responsibility for ensuring their own Register of Interest is up to date, this annual reminder will continue.

Although the Standard Commission’s decision does not identify any actions for the Park Authority or Board members, the actions already taken align with the tenet of the decision.

6. Conclusion

- 6.1. We consider that the delivery of Onboard training was an appropriate response to the findings of the Review into the Cononish Goldmine Shareholding, and subsequently the findings of the Standards Commission.
- 6.2. Alongside the training there is an enhanced and continual awareness by Board members of their responsibilities under the Code of Conduct during each Park Authority Board meeting and Statutory Committees.
- 6.3. As has been the practice for a number of years, annually officers will continue to proactively seek Board members to confirm/refresh/update their Register of Interests. Members regularly provide updates outwith the annual request.

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Appendix 1 – Standards Commission letter